

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION

X
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X

Master File No. 1:00-1898
MDL 1358 (SAS), M21-88

This document relates to:

Town of Lakeville, et al. v. Atlantic Richfield Co., et al.,
Case No. 07-CV-8360

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**ORDER OF DISMISSAL WITH
PREJUDICE**

The Plaintiffs and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement¹, and Plaintiffs have now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation
Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

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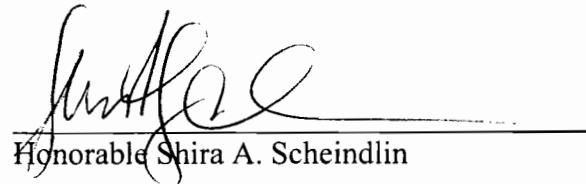
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Plaintiffs and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

¹ The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. See Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:



Honorable Shira A. Scheindlin

EXHIBIT A

The Settling Defendants below are named defendants in the case of *Town of Lakeville, et al. v. Atlantic Richfield Co., et al.*, Case No. 07-CV-8360 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Atlantic Richfield Company, individually and doing business as ARCO Products Company (f/k/a ARCO Petroleum Co.) and also known as ARCO
2. BP Products North America, Inc., individually and as successor-by-merger Amoco Oil Company and BP Exploration and Oil Inc. (successor-by-merger to BP North America Inc.)
3. Chevron Corporation (f/k/a ChevronTexaco Corporation)
4. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corp. (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
5. CITGO Petroleum Corporation
6. CITGO Refining and Chemical Company, LP
7. ConocoPhillips Company f/k/a Phillips Petroleum Company, individually and as successor-in-interest Tosco Corporation and d/b/a Phillips 66 Company
8. El Paso Merchant Energy Petroleum Company, individually and formerly known as Coastal Refining and Marketing, Inc. and formerly known as Coastal States Trading, Inc.
9. Equilon Enterprises, LLC, d/b/a Shell Oil Products US, individually and as successor-by-merger to Equiva Services LLC
10. Flint Hills Resources, L.P., f/k/a Koch Petroleum Group, LP, Koch Refining Company, LP, and Koch Refining Company, Inc.
11. Hess Corporation (f/k/a Amerada Hess Corporation)
12. Houston Refining, LP (f/k/a Lyondell-CITGO Refining, LP, Lyondell-CITGO Refining Company, Ltd.)
13. Motiva Enterprises, LLC, individually and f/k/a Star Enterprise
14. PDV Midwest Refining, LLC
15. The Premcor Refining Group, Inc., individually and as f/k/a Clark Refining
16. Shell Oil Company
17. Shell Oil Products Company, LLC
18. Shell Petroleum, Inc.
19. Shell Trading (US) Company, individually and f/k/a Equiva Trading Company, and a/k/a STUSCO
20. Sunoco, Inc., individually and f/k/a Sun Oil Company, and f/k/a Sun Company, Inc., and as successor-in-interest to Coastal Eagle Point Oil Company
21. Sunoco, Inc. (R&M), individually and f/k/a Sun Refining and Marketing Company and f/k/a Sun Company Inc. (R&M)
22. Texaco Inc.
23. TMR Company, f/k/a Texaco Refining and Marketing, Inc. and as successor-by-merger to TRME Company (f/k/a Texaco Refining and Marketing (East), Inc.))
24. TPI Petroleum, Inc.
25. Valero Energy Corporation
26. Valero Marketing and Supply Company
27. Valero Refining Company
28. Valero Refining and Marketing Company